

EXCERPTED

# Exhibit 5

**CONFIDENTIAL INFORMATION**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP	:	Case No. 3:20-cv-00451-JRG-DCP
RESEARCH INTERNATIONAL, INC.,	:	
	:	
Plaintiffs,	:	<b>EXTREME NETWORKS, INC.’S</b>
	:	<b>NINTH SUPPLEMENTAL RE-</b>
v.	:	<b>SPONSES AND OBJECTIONS TO</b>
	:	<b>SNMP RESEARCH, INC.’S FIRST</b>
EXTREME NETWORKS, INC.,	:	<b>SET OF INTERROGATORIES TO</b>
	:	<b>EXTREME NETWORKS, INC.</b>
Defendant.	:	
	:	
-----X	:	

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, defendant Extreme Networks, Inc. (“Extreme”), by and through its undersigned counsel, hereby supplements its Responses and Objections to SNMP Research, Inc.’s (together with SNMP Research International, Inc., “SNMPR” or “Plaintiffs”) First Set of Interrogatories to Extreme Networks, Inc., dated December 26, 2020 (the “Interrogatories”) as follows:

## **SPECIFIC OBJECTIONS AND RESPONSES**

Extreme's objections and responses to the Interrogatories are set forth below.

### **INTERROGATORY NO. 8:**

Identify all internal Communications in which there was any discussion or Communication whatsoever concerning: (1) whether Extreme had a right to use SNMP Research Software in Extreme Products, including but not limited to any particular Extreme Product; and (2) payment obligations of Extreme for the use of SNMP Research Software.

### **NINTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

Extreme objects to the interrogatory for using the phrase "any discussion or Communication" as overly broad, unduly burdensome, and disproportionate to the needs of the case to the extent it seeks oral internal communications. Extreme will only identify written internal communications. Extreme objects to this interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case to the extent it asks for "all internal Communications," which includes each and every responsive communication. Extreme will identify inclusive emails— emails with no replies or forwards, or the last email in an email thread—that have unique content not included in any other email. Extreme will not separately identify non-inclusive emails, which are emails whose text and attachments are fully contained in other emails. Extreme objects to the interrogatory to the extent it calls for information subject to a claim of privilege, including attorney-client privilege or attorney-work product doctrine. The interrogatory does not require Extreme to identify specific entries from its privilege log in response to this interrogatory. Based on its meet and confer discussions with SNMPR, Extreme has agreed to identify privilege log entries related to this interrogatory. By identifying privilege log entries here, Extreme does not agree to identify privilege log entries in response to other interrogatories where the interrogatory does not expressly call for identifying privilege log entries or waive its right to object to SNMPR's demands for identifying privilege log entries. Subject to and without waiving these objections, Extreme responds as follows:

Extreme identifies the following internal communications that relate to this interrogatory:  
EXTREME-00604429; EXTREME-00604435; EXTREME-00604074; EXTREME-00604079;  
EXTREME-00693712; EXTREME-00693860; EXTREME-00698702; EXTREME-00693693;  
EXTREME-00691755; EXTREME-00708068; EXTREME-00693891; EXTREME-00708431;  
EXTREME-00693624; EXTREME-00504229; EXTREME-00527420; EXTREME-00681455;  
EXTREME-00687798; EXTREME-00604752; EXTREME-00704787; EXTREME-01089527;  
EXTREME-01101277; EXTREME-01086121; ; EXTREME-01105862; EXTREME-01105906;  
EXTREME-01105916; EXTREME-01105933l; EXTREME-01096966; EXTREME-01096968;  
EXTREME-01105913; EXTREME-01282786; EXTREME-01282836; EXTREME-01282800;  
EXTREME-01282788.

Extreme identifies the following entries from privilege logs served in this case that relate to this interrogatory: 490, 491, 497, 507, 508, 509, 510, 511, 512, 517, 522, 523, 528, 551, 552, 553, 561, 562, 566, 569, 570, 573, 574, 582, 658, 663, 664, 665, 666, 667, 681, 701, 702, 703, 704, 731, 732, 734, 735, 736, 739, 740, 741, 743, 744, 745, 747, 748, 749, 751, 752, 753, 755, 756, 757, 774, 776, 787, 819, 820, 838, 839, 983, 984, 998, 1022, 1023, 1024, 1025, 1029, 1033, 1034, and 1043.

Fact discovery is ongoing and expert discovery has not yet commenced. Extreme reserves the right to supplement these responses in the event that additional information is identified.

Dated: August 8, 2023

/s/ John M. Neukom

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Extreme Networks Inc.'s Ninth Supplemental Responses and Objections to SNMP Research, Inc.'s First Set of Interrogatories was served via email on this 8th day of August 2023 upon counsel of record for Plaintiffs.

/s/ Sean Robertson

Sean Robertson

### **VERIFICATION**

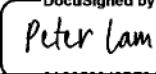
I am Senior Director of Intellectual Property at Extreme Networks, Inc. ("Extreme"), a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

I have read and know the contents of the following document: Extreme's Ninth Supplemental Responses and Objections to SNMP Research, Inc.'s First Set of Interrogatories.

I am informed and believe to the best of my knowledge, and on that ground verify, that the factual matters stated in this document are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8<sup>th</sup> day of August, 2023, at Campbell, California.

DocuSigned by:  
  
Peter Lam